

N.Y.S.D. Case #
09-cv-5900(RPP)

13-4711

Levin, et al. v. Bank of New York, et al.

**UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT**

SUMMARY ORDER

RULINGS BY SUMMARY ORDER DO NOT HAVE PRECEDENTIAL EFFECT. CITATION TO A SUMMARY ORDER FILED ON OR AFTER JANUARY 1, 2007, IS PERMITTED AND IS GOVERNED BY FEDERAL RULE OF APPELLATE PROCEDURE 32.1 AND THIS COURT'S LOCAL RULE 32.1.1. WHEN CITING A SUMMARY ORDER IN A DOCUMENT FILED WITH THIS COURT, A PARTY MUST CITE EITHER THE FEDERAL APPENDIX OR AN ELECTRONIC DATABASE (WITH THE NOTATION "SUMMARY ORDER"). A PARTY CITING A SUMMARY ORDER MUST SERVE A COPY OF IT ON ANY PARTY NOT REPRESENTED BY COUNSEL.

At a stated term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, 40 Foley Square, in the City of New York, on the 11th day of May, two thousand fifteen.

PRESENT: RICHARD C. WESLEY,
DEBRA ANN LIVINGSTON,
DENNY CHIN,
Circuit Judges.

**USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: May 11, 2015**

JEREMY LEVIN AND DR. LUCILLE LEVIN,

Plaintiffs-Appellees,

-v.-

No. 13-4711

BANK OF NEW YORK, ET AL.,

Defendants.

JPMORGAN CHASE & CO. AND JPMORGAN
CHASE BANK, N.A.,

Third-Party Plaintiffs,

-v.-

CENTRAL BANK OF NIGERIA,

Third-Party Defendant-Appellant.

JPMORGAN CHASE & CO. AND JPMORGAN
CHASE BANK, N.A.,

Third-Party Plaintiffs,

-v.-

STEVEN M. GREENBAUM, ET AL.,

Third-Party Defendants-Appellees.

FOR APPELLANT: DAVID H. FROMM (Patrick R. O'Mea, *on the brief*),
Brown Gavalas & Fromm LLP, New York, NY.

FOR APPELLEES: KRISTY N. GRACE, DLA Piper LLP (US),
Baltimore, MD (Timothy Birnbaum, DLA Piper LLP
(US), New York, NY; Richard M. Kremen, Dale K.
Cathell, DLA Piper LLP (US), Baltimore, MD; Curtis
C. Mechling, Jamie L. Bernard, Stroock & Stroock &
Lavan LLP, New York, NY; Suzelle M. Smith, Don
Howarth, Howarth & Smith, Los Angeles, CA, *on
the brief*).

Appeal from the United States District Court for the Southern District of
New York (Patterson, J.).

UPON DUE CONSIDERATION, IT IS HEREBY ORDERED,
ADJUDGED, AND DECREED that the judgment of the District Court be and
hereby is **REVERSED**.

We **REVERSE** the judgment of the District Court and **REMAND** with
instructions to the District Court to vacate the turnover order and to enter
judgment for third party Defendant-Appellant Central Bank of Nigeria
dismissing the complaint. *See Calderon-Cardona v. Bank of N.Y. Mellon*, 770 F.3d
993 (2d Cir. 2014); *Hausler v. JPMorgan Chase Bank, N.A.*, 770 F.3d 207 (2d Cir.
2014) (per curiam).

FOR THE COURT:
Catherine O'Hagan Wolfe, Clerk




A True Copy

Catherine O'Hagan Wolfe, Clerk

United States Court of Appeals, Second Circuit


